

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	
)	
v.)	
)	Docket No. 20-CR-40050-TSH
PEDRO WILSON HERNANDEZ-)	
CASTILLO, a/k/a Ramon Perez,)	
)	
Defendant.)	

JOINT MEMORANDUM PURSUANT TO LOCAL RULE 116.5(b)

The United States of America and the defendant Pedro Wilson Hernandez-Castillo, through his counsel, hereby submit this joint memorandum addressing Local Rule 116.5(b).

As matters are proceeding to the satisfaction of all parties, the government and the defendant request that the status conference scheduled for March 29, 2021 be cancelled and a status conference date established in approximately 30 days.

I. Local Rule 116.5(b)(1)

On January 28, 2021, the government produced automatic discovery as required by Fed. R. Crim. P. 16 and Rules 116.1(c) and 116.2 of the Local Rules of the United States District Court for the District of Massachusetts. On March 22, 2021, the government produced additional discovery.

II. Local Rule 116.5(b)(2)

The government intends to produce additional discovery.

III. Local Rule 116.5(b)(3)

The defendant needs additional time to review the government's automatic discovery before determining whether it will be necessary to file a request for additional materials.

IV. Local Rule 116.5(b)(4)

At this time, the parties are not seeking any protective orders to prevent the disclosure or dissemination of sensitive information concerning victims, witnesses, defendants, or law enforcement sources or techniques. The parties reserve the right to seek such orders in the future, should the need arise.

V. Local Rule 116.5(b)(5)

The parties agree that it is too early to set a motion schedule under Fed. R. Crim. P. 12(b).

VI. Local Rule 116.5(b)(6)

The parties propose that expert disclosures for the government, if any, be due 45 days before trial and that the defendant's expert disclosures, if any, be due 21 days before trial.

VII. Local Rule 116.5(b)(7)

The defendant does not anticipate raising a defense of insanity, public authority, or alibi.

VII. Local Rule 116.5(b)(8)

The government and the defendant agree that the period from the defendant's arraignment upon the indictment on January 7, 2021 through February 11, 2021, the date set for the initial status conference, was properly excluded by this Court's order on excludable delay. [D.24]. The government and the defendant further agree that the period between February 11, 2021 and March 29, 2021, the date set for the interim status conference, was also properly excluded by this Court's order on excludable delay. [D. 30]. The parties request that the time between March 29, 2021 and the next status conference be excluded because the parties have been and are using the period of the continuance to complete review of discovery. Therefore, the parties request that this Court find that the ends of justice served by excluding the period of this continuance outweigh the best interest of the public and the defendant in a speedy trial,

pursuant to 18 U.S.C. § 3161(h)(7)(A).

VIII. Local Rule 116.5(a)(9)

If the matter is tried, the parties estimate the trial would last approximately 7 days.

IX. Local Rule 116.5(b)(10)

The government and the defendant request that a final status conference date be established approximately 30 days in the future.

Respectfully submitted,

PEDRO WILSON HERNANDEZ-CASTILLO,

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ACTING UNITED STATES ATTORNEY,

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Date: March 26, 2021

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and by regular mail to the participants who do not receive electronic filing.

/s/ Lucy Sun
Lucy Sun
Assistant U.S. Attorney

Date: March 26, 2021